

| <b>Notice of Allowability</b> | Application No.<br>09/935,130<br>Examiner<br>Hai V. Nguyen | Applicant(s)<br>SCHWEITZER ET AL.<br>Art Unit<br>2142 |
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the reply received on 21 June 2004.
2.  The allowed claim(s) is/are 32-47 which are renumbered 1-16.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 08052004.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



ZARNI MAUNG  
PRIMARY EXAMINER

***Examiner Amendment/Comment***

1. Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Applicant's Agent, Mr. Kevin J. Zilka, registration # 41,429 on 06 August 2004.

**IN THE CLAIMS**

Please amend claims 37, 42 as follows:

37. (Amended) A computer program product embedded into computer readable medium for database management and recovery, comprising:
- (a) computer code for collecting network communications usage information in real-time from a plurality of network devices utilizing a plurality of information source modules;
  - (b) computer code for filtering and aggregating the network communications usage information utilizing a plurality of gatherers, wherein the filtering and aggregating are based on a user-defined configuration;
  - (c) computer code for completing a plurality of data records from the filtered and aggregated network communications usage information utilizing a central event manager, the plurality of data records corresponding to network usage by a plurality of users;

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(d) computer code for storing the plurality of data records in a database;  
(e) computer code for continuously monitoring a state of the gatherers;  
(f) computer code for detecting a fault; and  
(g) computer code for utilizing the state of the gatherers and the stored data records to recover from the fault upon the detection thereof.

42. (Amended) A system comprising computer readable medium for database management and recovery, comprising:

- (a) information source modules for collecting network communications usage information in real-time from a plurality of network devices;
- (b) gatherers coupled to the information modules, the gatherers adapted for filtering and aggregating the network communications usage information, wherein the filtering and aggregating are based on a user-defined configuration;
- (c) a central event manager coupled to the gatherers, the central event manager adapted for completing a plurality of data records from the filtered and aggregated network communications usage information, the plurality of data records corresponding to network usage by a plurality of users;
- (d) a database coupled to the central event manager, the database adapted for storing the plurality of data records;
- (e) logic for continuously monitoring a state of the gatherers;
- (f) logic for detecting a fault; and
- (g) logic for utilizing the state of the gatherers and the stored data records to recover from the fault upon the detection thereof.

***Drawings***

3. The drawings filed on 21 August 2001 are acceptable subject to correction of the informalities (i.e., handwritten, fuzzy figures). In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

***Reasons For Allowance***

4. The following is an examiner's statement of reasons for allowance:

5. The primary reason for allowance of the claims is based on Applicant's "Declaration Of Prior Invention In The United States Or In A NAFTA Or WTO Member Country To Overcome Cited Patent Or Publication Under 37 C.F.R. section 1.131" received on 21 June 2004 and Applicant's "Terminal Disclaimer To Obviate A Double Patenting Rejection Under 37 C.F.R. 1.321(c)" received on 05 January 2004.

6. The Examiner's interpretation of the claim language is also based upon Applicant's the enabling portions of the specification, (Fig. 1, pages 10-22, Abstract) and Applicant's remark on page 2 of paper "Amendment C" received on 21 June 2004. Therefore, Applicant's instant claims are considered to be allowable.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. **Claims 32-47 which are renumbered as 1-16** are allowed.

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### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen  
Examiner  
Art Unit 2142



ZARNI MAUNG  
PRIMARY EXAMINER